

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CASE NO. 13-20829
HON. DENISE PAGE HOOD**

DURAND SINCLAIR,

Defendant.

_____ /

ORDER DENYING MOTION FOR RECONSIDERATION

Defendant Durand Sinclair filed a motion under 28 U.S.C. § 2255 in part based on the Supreme Court's invalidation of the residual clause of the Armed Career Criminal Act as unconstitutionally vague under the Due Process Clause of the Fifth Amendment. *Johnson v. United States*, 136 S.Ct. 2551, 2563 (2015). On July 14, 2016, the Court entered an Order granting the Government's Motion to Stay Litigation pending the Supreme Court's Decision in *Beckles v. United States*, No. 15-8544, 2016 WL 1029080 (U.S. June 27, 2016) (Mem.) where the Supreme Court granted *certiorari* on the issue of whether *Johnson* should be applied retroactively. Defendant seeks reconsideration of the Court's Order staying the litigation.

Recently, the Sixth Circuit in two published opinions, *In re Embry*, ___ F.3d ___, No. 16-5447, 2016 WL 4056056 (6th Cir. July 29, 2016) and *In re: Antonio D.*

Patrick, ___ F.3d ___, No. 16-5353 (6th Cir. Aug. 12, 2016), held that the most appropriate procedure is to hold the cases in abeyance pending the Supreme's Court decision in *Beckles*.

Accordingly,

IT IS ORDERED that Defendant's Motion for Reconsideration (**Doc. No. 75**) is DENIED.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: August 17, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 17, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager